

Towing Notice and Ownership Rights Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor:

LONG TITLE**General Description:**

This bill provides certain protections for an owner or lien holder of a towed vehicle if proper notice has not been provided to the owner or lien holder.

Highlighted Provisions:

This bill:

- provides that, for a private-property tow, a possessory lien related to a vehicle that has been towed is not enforceable if required notice was not properly provided to the owner or lien holder;
- allows an owner or a lien holder to take possession of a vehicle without paying towing or storage fees if notice was not properly given;
- if an owner claims notice was not properly provided, creates a presumption of improper notice that may be rebutted by presenting, as applicable:
 - time-stamped evidence that notice was properly provided to the Motor Vehicle Division; or
 - evidence that notice was sent via certified mail;
- allows a party prevailing in an action related to lack of notice to be awarded attorney fees;
- authorizes the Department of Transportation to make rules to establish the process for an owner or a lien holder to make a claim for release of a vehicle; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-9-603, as last amended by Laws of Utah 2025, Chapter 378

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **72-9-603** is amended to read:

33 **72-9-603 . Towing notice requirements -- Cost responsibilities -- Abandoned**
34 **vehicle title restrictions -- Rules for maximum rates and certification.**

35 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on
36 behalf of a law enforcement agency, or a highway authority, after performing a tow
37 truck service that is being done without the vehicle, vessel, or outboard motor owner's
38 knowledge, the tow truck operator or the tow truck motor carrier shall:

39 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
40 or outboard motor:

41 (i) provide relevant information to the impound vehicle service system database
42 administered by the Motor Vehicle Division, including:

43 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;

44 (B) a description of the vehicle, vessel, or outboard motor; and

45 (C) the vehicle identification number or vessel or outboard motor identification
46 number; and

47 (ii) contact the law enforcement agency having jurisdiction over the area where the
48 vehicle, vessel, or outboard motor was picked up and notify the agency of the:

49 (A) location of the vehicle, vessel, or outboard motor;

50 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
51 removed;

52 (C) reasons for the removal of the vehicle, vessel, or outboard motor;

53 (D) person who requested the removal of the vehicle, vessel, or outboard motor;
54 and

55 (E) description, including the identification number, license number, or other
56 identification number issued by a state agency, of the vehicle, vessel, or
57 outboard motor;

58 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner
59 or operator, within two business days of performing the tow truck service under
60 Subsection (1)(a), send a certified letter to the last-known address of each party
61 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
62 outboard motor obtained from the Motor Vehicle Division or, if the person has actual
63 knowledge of the party's address, to the current address, notifying the party of the:

64 (i) location of the vehicle, vessel, or outboard motor;

(ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;

(iii) reasons for the removal of the vehicle, vessel, or outboard motor;

(iv) person who requested the removal of the vehicle, vessel, or outboard motor;

(v) a description, including its identification number and license number or other identification number issued by a state agency; and

(vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and

(c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).

(2)(a) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:

~~[(a)]~~ (i) collect any fee associated with the removal; or

~~[(b)]~~ (ii) begin charging storage fees.

(b) If a tow truck operator, tow truck motor carrier, or impound yard fails to provide notice as described in Subsection (1), a possessory lien described in Subsection (13) is unenforceable against a party described in Subsection 41-6a-1406(6)(a).

(3)(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:

(i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or

(ii) the property owner erects signage that meets the requirements of:

(A) Subsection (4)(b)(ii); and

(B) Subsection (7) or (8).

(b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:

(i) from a location where parking is prohibited by law, including:

(A) a designated fire lane;

(B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or

(C) a marked parking stall or space legally designated for disabled persons;

- 99 (ii) from a location where it is reasonably apparent that the location is not open to
100 parking;
- 101 (iii) from a location where all public access points are controlled by:
- 102 (A) a permanent gate, door, or similar feature allowing the vehicle to access the
103 facility; or
- 104 (B) a parking attendant;
- 105 (iv) from a location that materially interferes with access to private property;
- 106 (v) from the property of a detached single-family dwelling or duplex; or
- 107 (vi) pursuant to a legal repossession.
- 108 (4)(a) A private property owner may, subject to the requirements of a local ordinance,
109 enforce parking restrictions by:
- 110 (i) authorizing a tow truck motor carrier to patrol and monitor the property and
111 enforce parking restrictions on behalf of the property owner in accordance with
112 Subsection (7);
- 113 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
114 motor carrier on a case-by-case basis in accordance with Subsection (8); or
- 115 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
116 notice in accordance with Subsection (9).
- 117 (b)(i) Any agreement between a private property owner and tow truck motor carrier
118 authorizing the tow truck motor carrier to patrol and monitor the property under
119 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck
120 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 121 (ii) In addition to the signage described in Subsection (7) or (8), a private property
122 owner who allows public parking shall erect appropriate signage on the property
123 indicating clear instructions for parking at the property.
- 124 (iii) Where a single parking area includes abutting parcels of property owned by two
125 or more private property owners who enforce different parking restrictions under
126 Subsection (7) or (8), each property owner shall, in addition to the requirements
127 under Subsection (7) or (8), erect signage as required by this section:
- 128 (A) at each entrance to the property owner's parcel from another property owner's
129 parcel; and
- 130 (B) if there is no clearly defined entrance between one property owner's parcel and
131 another property owner's parcel, at intervals of 40 feet or less along the line
132 dividing the property owner's parcel from the other property owner's parcel.

- (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
 - (i) owned by the political subdivision or state agency;
 - (ii) located outside of the public right-of-way; and
 - (iii) open to public parking; and
 - (b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.
- (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:
- (a) a top sign that is 24 inches tall by 18 inches wide and has:
 - (i) a blue, reflective background with a 1/2 inch white border;
 - (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
 - (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and
 - (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
 - (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) a top half that is red background with white, reflective letters indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (ii) a bottom half that has a white, reflective background with red letters indicating:

- 167 (A) the name and telephone number of the tow truck motor carrier that the
168 property owner has authorized to patrol the property; and
169 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 170 (8)(a) For private property where parking is enforced under Subsection (4)(a)(ii) [⋮] ,
171 [(⋈)] a tow truck motor carrier may not:
172 [(A)] (i) patrol and monitor the property;
173 [(B)] (ii) perform a tow truck service without the written or verbal request of the
174 property owner or the property owner's agent; or
175 [(C)] (iii) act as the property owner's agent to request a tow truck service.
- 176 (b) For private property where parking is enforced under Subsection (4)(a)(ii), the
177 property owner shall ensure that each entrance to the property has a clearly visible
178 sign located on the property that substantially follows the following format, as
179 determined by the department:
- 180 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
181 border, and has:
182 (A) at the top of the sign, a blue background with a white, reflective towing logo
183 that is at least four inches tall and 16 inches wide that depicts an entire tow
184 truck, a tow hook, and an entire vehicle being towed;
185 (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a
186 blue background with white, reflective letters at least two inches tall with the
187 capitalized words "Towing Enforced"; and
188 (C) in the middle of the sign, a red background with white, reflective letters at
189 least one inch tall indicating who is authorized to park or restricted from
190 parking at the property, and any type of vehicle prohibited from parking at the
191 property; and
192 (ii) at the bottom of the sign, a white, reflective background with red letters at least
193 one inch tall indicating:
194 (A) either the name and telephone number of the property owner or the property
195 owner's agent who is authorized to request a tow truck service, or the name and
196 telephone number of the tow truck motor carrier that provides tow truck
197 services for the property; and
198 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 199 (c) If a dispute arises regarding whether a sign required under this section substantially
200 complies with the requirements of this section, the department shall determine

whether the sign substantially complies.

(9)(a) For private property without signage substantially meeting the requirements of Subsection (7) or (8), as determined by the department, the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).

(b) The written notice described in Subsection (9)(a) shall:

- (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
- (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
- (iii) be at least four inches tall and four inches wide; and
- (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

(c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.

(10) The department shall publish on the department [~~Internet~~] internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).

(11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:

- (a) Subsection (4)(b)(ii); and
- (b) Subsection (7) or (8).

(12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:

- (a) the tow truck service and storage fees set in accordance with Subsection (16); and
- (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

(13)(a) As used in this Subsection (13), "life essential item" means:

- (i) prescription medication;

(ii) medical equipment;

(iii) shoes;

(iv) coats;

(v) food and water;

(vi) child safety seats;

(vii) government-issued photo identification; and

(viii) human remains.

(b) ~~[The]~~ Subject to Subsection (13)(d), the fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor.

(c) ~~[Towing]~~ Subject to Subsection (13)(d), towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.

(d)(i) Before two business days have passed since the date on which the vehicle, vessel, or outboard motor was removed, a possessory lien described in Subsections (13)(b) and (13)(c) is valid if the tow truck operator, tow truck motor carrier, or impound yard has provided relevant information to the impound vehicle service system database administered by the Motor Vehicle Division as described in Subsection (1).

(ii) After two business days have passed since the date on which the vehicle, vessel, or outboard motor was removed, a possessory lien described in Subsections (13)(b) and (13)(c) is valid if the tow truck operator, tow truck motor carrier, or impound yard has sent notice by certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as described in Subsection (1)(b).

~~[(d)]~~ (e) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

~~[(e)]~~ (f) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an

interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

~~[(f)]~~ (g) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:

(i) pays the fees described in Subsection (12); and

(ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

(14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):

(i) pay the fees described in Subsection (12); and

(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

(15)(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).

(b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).

(16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:

(a) subject to the restriction in Subsection (17), set maximum rates that:

(i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:

(A) a peace officer dispatch call;

(B) a motor vehicle division call; and

- 303 (C) any other call or request where the owner of the vehicle, vessel, or outboard
304 motor has not consented to the removal;
- 305 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
306 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
307 and
- 308 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
309 outboard motor stored as a result of one of the conditions described in Subsection
310 (16)(a)(i);
- 311 (b) establish authorized towing certification requirements, not in conflict with federal
312 law, related to incident safety, clean-up, and hazardous material handling;
- 313 (c) specify the form and content of the posting and disclosure of fees and rates charged
314 and acceptable forms of payment by a tow truck motor carrier or impound yard;
- 315 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
316 charge for reporting the information required under Subsection (1)(a)(i) and
317 providing notice of the removal to each party described in Subsection 41-6a-1406
318 (6)(a) with an interest in the vehicle, vessel, or outboard motor as required in
319 Subsection (1)(b);
- 320 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
321 specific information regarding:
- 322 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is
323 towed;
- 324 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
325 tow truck service of a vehicle, vessel, or outboard motor that is transported in
326 response to a call or request where the owner of the vehicle, vessel, or outboard
327 motor has not consented to the removal; and
- 328 (iii) identifies the maximum rates that an impound yard may charge for the storage of
329 vehicle, vessel, or outboard motor that is transported in response to a call or
330 request where the owner of the vehicle, vessel, or outboard motor has not
331 consented to the removal; and
- 332 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 333 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
334 vessel, or outboard motor if:
- 335 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
336 (b) the vehicle, vessel, or outboard motor is not being released to a party described in

Subsection 41-6a-1406(6)(a) or an individual described in Subsection 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(18)(a)(i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).

(ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card or debit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a card processing fee of 3% of the transaction total.

(b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).

(19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:

(a) by phone 24 hours a day, seven days a week; and

(b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.

(20) A tow truck motor carrier or a tow truck operator may not:

(a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the tow truck motor carrier or tow truck operator has performed a tow service; and

(b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:

(i) a lawyer referral service;

(ii) a medical provider;

(iii) a funding agency;

(iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

(v) a marketer for any other service; or

(vi) a third party vendor.

(21)(a) Subject to Subsection (21)(b), a tow truck operator, tow truck motor carrier, or impound yard that fails to provide timely and proper notice as described in Subsection (1) to an owner or a lien holder of record as required in this section

forfeits the right to collect or enforce any towing, storage, or impound fees from the owner or lien holder.

(b)(i) Before two business days have passed since the date on which the vehicle, vessel, or outboard motor was removed, an owner or lien holder is responsible for the towing, storage, and impound fees if the tow truck operator, tow truck motor carrier, or impound yard has provided relevant information to the impound vehicle service system database administered by the Motor Vehicle Division as described in Subsection (1).

(ii) After two business days have passed since the date on which the vehicle, vessel, or outboard motor was removed, an owner or lien holder is responsible for the towing, storage, and impound fees if the tow truck operator, tow truck motor carrier, or impound yard has sent notice by certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as described in Subsection (1)(b).

(c) An owner or a lien holder may demand immediate release and possession of the vehicle, vessel, or outboard motor without payment of towing, storage, or related fees if:

(i) the owner or lien holder provides proof of ownership or lien holder status; and

(ii) the tow truck operator, tow truck motor carrier, or impound yard is unable to provide evidence that notice was properly provided through certified letter as described in Subsection (1)(b).

(d)(i) If a party with an interest in the vehicle, vessel, or outboard motor claims notice was not properly given, there is a rebuttable presumption that notice was not properly provided as required in Subsection (1).

(ii) The presumption described in Subsection (21)(d)(i) may be rebutted by providing credible, time-stamped evidence that the tow truck operator, tow truck motor carrier, or impound yard, as applicable:

(A) provided the relevant information to the impound vehicle service system database administered by the Motor Vehicle Division as described in Subsection (1); or

(B) sent a certified letter to the last-known address of each party with an interest in the vehicle, vessel, or outboard motor as described in Subsection (1).

(e) In a civil action brought to enforce or challenge rights under this Subsection (21), the prevailing party shall be awarded reasonable attorney fees and costs.

405 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
406 department may adopt rules to implement and clarify the process for an owner or a
407 lien holder to claim release under this Subsection (21).

408 Section 2. **Effective Date.**

409 This bill takes effect on May 6, 2026.